

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

JOHN JOHNSTON,)
Plaintiff,)
vs.)
COMMERCE BANCSHARES, INC., and)
PRUDENTIAL INSURANCE COMPANY)
of AMERICA)
Defendants.)
No. 4:15-CV-0852-DGK

ORDER DENYING MOTION FOR RECONSIDERATION

This ERISA action arises from Defendant Prudential Insurance Company of America’s (“Prudential”) decision to terminate Plaintiff John Johnston’s (“Plaintiff”) long-term disability benefits under a policy purchased by Defendant Commerce Bancshares, Inc. (“Commerce”). Plaintiff alleges Prudential and Commerce improperly terminated benefits to which he was entitled.

Now before the Court is Plaintiff's Motion for Reconsideration (Doc. 74) of the Court's decision to grant summary judgment to Defendant Prudential. Plaintiff brings the motion pursuant to Federal Rule of Civil Procedure 59.

Motions to alter or amend a judgment brought pursuant to Rule 59(e) “serve a limited function: to correct manifest errors of law or fact or to present newly discovered evidence.” *Hagerman v. Yukon Energy Corp.*, 839 F.2d 407, 414 (8th Cir. 1988) (citations omitted). They cannot be used to introduce evidence that could have been offered during the pendency of the motion, or “to raise arguments which could have been raised prior to the issuance of the judgment.” *Preston v. City of Pleasant Hill*, 642 F.3d 646, 652 (8th Cir. 2011). A district court

has “broad discretion” in determining whether to grant a Rule 59(e) motion. *Briscoe v. Cty. of St. Louis, Mo.*, 690 F.3d 1004, 1015 (8th Cir. 2012).

The Court has read Plaintiff’s motion for reconsideration and finds it does not contain any new evidence or arguments which could not have been presented previously. Accordingly, the Motion for Reconsideration (Doc. 74) is DENIED.

IT IS SO ORDERED.

Date: September 29, 2017

/s/ Greg Kays

GREG KAYS, CHIEF JUDGE

UNITED STATES DISTRICT COURT